

March 12 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

James H. Goetz
Bonnie L. Jarrett
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**ATTORNEYS FOR APPELLANT,
S. TUCKER JOHNSON**

FILED
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CLERK OF THE SUPREME COURT
STATE OF MONTANA

**IN THE SUPREME COURT OF THE STATE OF MONTANA
Case No. DA 09-0487**

VALERIE EMMERSON,

Petitioner and Appellant,

vs.

WALLACE C. WALKER and RANA
RAE WALKER,

Respondents and Appellees.

WALLACE C. WALKER and RANA
RAE WALKER,

Third-Party Plaintiffs and Appellees,

vs.

S. TUCKER JOHNSON,

Third-Party Defendant and Appellant.

**APPELLANT S. TUCKER
JOHNSON'S UNOPPOSED
MOTION FOR
EXTENSION OF TIME TO
FILE REPLY BRIEF**

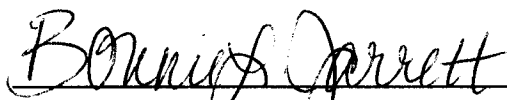
Pursuant to Rule 26(1), M.R. App. P., Appellant S. Tucker Johnson, through his counsel of record, respectfully moves this Court for an Order granting Appellant a 14-day extension of time in which to file his reply brief. Appellant's reply brief is currently due to be filed on Tuesday, March 16, 2010. Granting Appellant a 14-day extension of time would give Appellant up to and including March 30, 2010, in which to file and serve his reply brief.

This is Appellant's second motion for an extension of time in this case. The first request was for an extension of time regarding Appellant's opening brief. All counsel have been contacted, and they state they have no objection to this motion. The reasons for the requested extension are set forth in the supporting Affidavits of Bonnie L. Jarrett and James H. Goetz filed concurrently with this motion.

A proposed Order is submitted herewith.

DATED this 10th day of March, 2010.

GOETZ, GALLIK & BALDWIN, P. C.

By: 
James H. Goetz
Bonnie L. Jarrett

**ATTORNEYS FOR APPELLANT,
S. TUCKER JOHNSON**

CERTIFICATE OF SERVICE

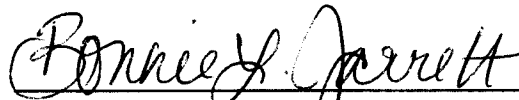
The undersigned hereby certifies that the foregoing document was served on the following counsel of record, by the means designated below, this 10th day of March, 2010.

- ☒ U.S. Mail
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- ☐ Via Fax: (406) 222-8517
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**Attorney for Appellant, Valerie
Emmerson**

- ☒ U.S. Mail
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- ☐ Hand-Delivery
- ☐ Via Fax: (406) 522-5394
- ☐ Email

Leanne M. Schraudner
Schraudner & Hillier, PLLC
3825 Valley Commons Dr., Suite 5
Bozeman, MT 59718
Attorney for Appellees



James H. Goetz
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vs.

S. TUCKER JOHNSON,

Third-Party Defendant and Appellant.

**AFFIDAVIT OF
 JAMES H. GOETZ**

STATE OF MONTANA)

I, James H. Goetz, being first duly sworn depose and state:

1. I am an attorney licensed to practice law in the state of Montana, and I represent S. Tucker Johnson, Appellant in the above-captioned matter.

2. This affidavit is filed in support of *Appellant S. Tucker Johnson's Unopposed Motion for Extension of Time to File Reply Brief*.

3. Appellant's reply brief is currently due March 16, 2010, and counsel for Appellant are requesting a 14-day extension to file that brief, to and including March 30, 2010.

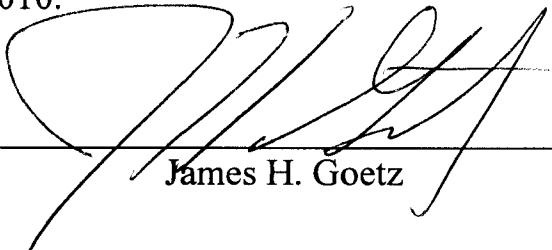
4. This request for extension of time is necessary because I have been preparing and will shortly file a motion for summary judgment and brief in support in another case; was out of town between March 4 and 8, 2010 (*Appellees' Response Brief* was received on March 3, 2010); left town the afternoon of March 8th to attend a mediation in Missoula on March 9, 2010 in a different case (which case did not settle and will proceed with further discovery and briefing); and have been preparing for and am attending an order to show cause hearing today in another case. There is a deposition preparation meeting, and deposition I will be involved in on March 27 and 29; discovery responses due in a separate case on March 15; I am involved in

deadlines coming up in a case set for a 10-day jury trial beginning on April 12, 2010; I have several deadlines in a different case (March 17, 22 and 26) which is set for trial on May 3, 2010; and am scheduled to do a presentation before the Gallatin Bar Association on March 18th regarding proposed revisions to the Montana Rules of Civil Procedure.

5. Despite my busy schedule I assure the Court that I will be working diligently with my associate, Bonnie L. Jarrett, on Appellant's reply brief, and it will be filed on March 30, 2010.

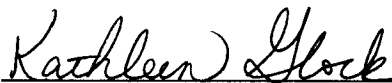
6. Ms. Jarrett has contacted all counsel in this case and they are not opposed to this request for extension of time.

DATED this 10th day of March, 2010.


James H. Goetz

Subscribed and sworn to before me this 10th day of March, 2010.




Notary Public for the State of Montana.
Print Name: Kathleen Glock
Residing at Bozeman, Montana. My
commission expires 3-28-2011

CERTIFICATE OF SERVICE

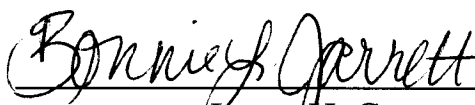
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Livingston, MT 59047
Attorney for Appellant, Valerie Emmerson

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Leanne M. Schraudner
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3825 Valley Commons Dr., Suite 5
Bozeman, MT 59718
Attorney for Appellees



James H. Goetz
Bonnie L. Jarrett

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vs.

S. TUCKER JOHNSON,

Third-Party Defendant and Appellant.

**AFFIDAVIT OF
BONNIE L. JARRETT**

STATE OF MONTANA)

: ss.

County of Gallatin)

I, Bonnie L. Jarrett, being first duly sworn depose and state:

1. I am an attorney licensed to practice law in the state of Montana, and I represent S. Tucker Johnson, Appellant in the above-captioned matter.

2. This affidavit is filed in support of *Appellant S. Tucker Johnson's Unopposed Motion for Extension of Time to File Reply Brief*.

3. Appellant's reply brief is currently due March 16, 2010, and counsel for Appellant are requesting a 14-day extension to file that brief, to and including March 30, 2010.

4. This request for extension of time is necessary because I was in Pennsylvania the first week in March for depositions in another case. This was during the time *Appellees' Response Brief* was received (on March 3, 2010). Since returning from Pennsylvania I have been preparing extensive discovery responses in a different case (which are due on March 15 and 18, 2010); have prepared and filed a Reply Brief in Support of an Emergency Motion for Contempt in that case; and have prepared for and am attending the order to show cause hearing scheduled for today in that case. There are additional depositions, and deposition preparation meetings scheduled in that same case for March 15, 18, 22, 25, 29 and 30, 2010. In

addition, there are other cases on which I have had to spend time catching up on telephone calls, correspondence, etc.

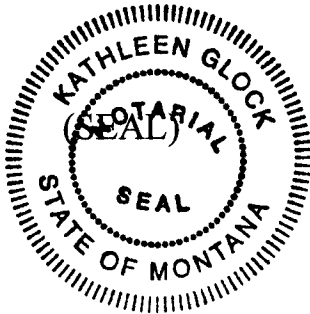
5. Despite my busy schedule I assure the Court that I will be working diligently on Appellant's reply brief, and it will be filed by March 30, 2010.

6. I have contacted all counsel in this case and they are not opposed to this request for extension of time.

DATED this 10th day of March, 2010.

Bonnie L. Jarrett
Bonnie L. Jarrett

Subscribed and sworn to before me this 10th day of March, 2010.



Kathleen Glock
Notary Public for the State of Montana.
Print Name: Kathleen Glock
Residing at Bozeman, Montana. My
commission expires 3-28-2011

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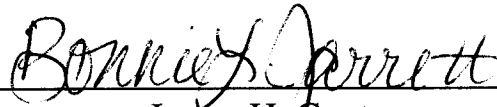
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Attorney for Appellees



James H. Goetz
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